

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/13/2019

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ONIELL ALBINO,

Plaintiff,

-against-

NANCY A. BERRYHILL,

Defendant.
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18 Civ. 6514 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on May 29, 2019, Judge Pitman issued a Report and Recommendation to grant Plaintiff's motion for summary judgment and deny Defendant's motion for judgment on the pleadings (Dkt. No. 22);

WHEREAS, as stated in Judge Pitman's May 29, 2019, Report and Recommendation, the deadline for any objections was June 12, 2019 (Dkt. No. 22);

WHEREAS, no objections were timely filed;

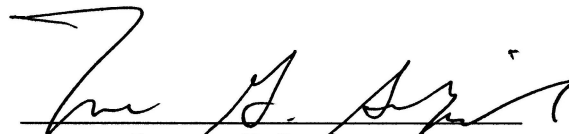
WHEREAS, in reviewing a Magistrate Judge's Report and Recommendation, a district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Niles v. O'Donnell*, No. 17 Civ. 1437, 2019 WL 1409443, at *1 (S.D.N.Y. Mar. 28, 2019).

WHEREAS, the Court finds no clear error on the face of the record. It is hereby

ORDERED that the Report and Recommendation is adopted. For the reasons stated in the Report and Recommendation, Plaintiff's motion for summary judgment is **GRANTED**, Defendant's motion for judgment on the pleadings is **DENIED** and the case is **REMANDED** to the Commissioner for further proceedings consistent with the Report and Recommendation.

The Clerk of Court is respectfully directed to close the motions at Docket Nos. 14 and 19 and close the case.

Dated: June 13, 2019
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE